

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case Number: 23-22301-CIV-MARTINEZ

CINDY HERNANDEZ,

Plaintiff,

v.

NISSAN MOTOR CORPORATION,  
LTD, and NISSAN NORTH AMERICA,  
INC.,

Defendants.

/

**ORDER GRANTING MOTION TO DISMISS**

**THIS CAUSE** came before this Court on Defendant Nissan North America, Inc.’s Motion to Dismiss (the “Motion”), (ECF No. 3). Pursuant to Rule 7.1 of the Local Rules for the Southern District of Florida, Plaintiff was required to respond to the Motion on or before July 17, 2023. Plaintiff failed to file a response and this Court issued an Order to Show Cause on January 22, 2024. (ECF No. 22). To date, Plaintiff has failed to respond to the Motion and the Order to Show Cause. As Local Rule 7.1(c) makes clear, the failure to respond to a motion “may be deemed sufficient cause for granting the motion by default.” *See Emrit v. Plantation Gen. Hosp.*, No. 17-61814-CIV, 2018 WL 1814109, at \*1 (S.D. Fla. Jan. 31, 2018) (granting by default motion to dismiss for failure to serve an opposing memorandum of law in violation of Local Rule 7.1(c)).

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** that:

1. The Motion, (ECF No. 3), is **GRANTED** by default.
2. The Clerk is **DIRECTED** to **CLOSE** this case and **DENY** all pending Motions as **MOOT**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 30 day of January, 2024.

  
JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
All Counsel of Record